

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KELLY PIERRE,

Petitioner

v.

ASSISTANT SECRETARY,  
ICE, *et al.*,

Respondents

CIVIL NO. 4:09-CV-0920

(Judge Jones)

**MEMORANDUM**

May 27, 2009

Petitioner Kelly Pierre (“Petitioner” or “Pierre”) formerly was a detainee of the United States Immigration and Customs Enforcement (“ICE”) Office confined at the Clinton County Correctional Facility (“CCCF”) in McElhattan, Pennsylvania. On March 18, 2009, the United States District Court for the District of Columbia received a document from Pierre labeled “Complaint” and dated March 17, 2009. (*See* Doc. 1 at 1, 14.) The Complaint and accompanying *in forma pauperis* application were filed in that Court on April 22, 2009. (*See id.*; Doc. 2.) By Order dated April 23, 2009, the District of Columbia Court construed the Complaint as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and directed that the

case be transferred to this Court under 28 U.S.C. § 1406 because Pierre was confined in this district. (*See* Doc. 4.)

On May 12, 2009, the April 23, 2009 order transferring the case, which had been mailed to Pierre at CCCF, was returned to the Clerk's Office for the United States District Court for the District of Columbia with the notation "Return to Sender- Address Unknown." (*See* Doc. 5.) On May 15, 2009, the case was transferred to this Court and opened as a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (*See* Doc. 6.) Upon opening the case in this Court, the Clerk of Court entered Pierre's address on the docket as the Allenwood Federal Correctional Institution ("FCI Allenwood") because Pierre had been incarcerated at that facility at the time he filed a previous case with this Court. *See Pierre v. Ebbert*, Civil No. 4:CV-08-1370. The Clerk of Court then mailed a Standing Practice Order (Doc. 7) to Pierre at FCI Allenwood.

On May 22, 2009, the Standing Practice Order was returned to the Clerk of Court with the notation, "Return to Sender- Released to INS." (*See* Doc. 8.) On the same date, the Court was informed by CCCF that, on March 24, 2009, Pierre was released from ICE custody on an order of supervision, and his current address is 2445 Tiebout Avenue, 5C, Bronx, New York, 10456. Accordingly, Pierre's address has been updated on the docket.

Because Pierre's Complaint, which has been construed as a Petition for Writ of Habeas Corpus, challenged his continued detention by ICE and sought his immediate release from custody, and Pierre has obtained the relief he requests, the Petition will be dismissed as moot. *See Nguijol v. Mukasey*, 2008 WL 5047764, at \*1 & n.2 (M.D. Pa. Nov. 24, 2008). An appropriate Order will enter.